

Recommendation Report for Planning Permission

REF NO: R/185/20/PL

LOCATION: 1-20 Churchill Parade, 125-166 The Street
103-133 The Street, Churchill Court
Rustington

PROPOSAL: New external canopies to store fronts. These sites are in CiL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	A suburban shopping district.
CHARACTER OF LOCALITY	A shopping high street located within a residential area.

REPRESENTATIONS

Rustington Parish Council - Support

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways - No objections subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

TREE PRES ORDER

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policy 2 of Rustington Neighbourhood Development Plan is relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the design is in character with the local area and there are no impacts on residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan applies.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

The canopy proposed is typical of shopping centres of this kind. The materials of construction would be steel frame with polyester powder coloured finish and polycarbonate panels fixed to the steel frame. This would be in character with the shopping area and of an attractive design.

RESIDENTIAL AMENITY

No residential properties would be affected by the proposed development.

HIGHWAYS

The development would not affect the free flow of highway land and no objection has been made by WSCC highways department.

SUMMARY

The development is considered to accord with local planning policy and is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Block Plan dwg.no. 9532.101 Rev C dated Sep 2020
 Proposed Site Plan dwg.no. 9532.103 Rev A dated Sep 2020
 Block 1 & 2 Elevations dwg.no. 9532.106 Rev A dated Sep 2020

Block 3 and 4 Elevations dwg.no. 9532.107 Rev A dated Sep 2020

Proposed Ground Floor dwg.no. 9532.104 Rev A dated Sep 2020

Proposed Typical Street Elevation & Section dwg.no. 9532.108 Rev A dated Sep 2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE: Before the commencement of any operation, the applicant is advised to contact West Sussex County Council (Tel no: 01243 642105 or email street.works@westsussex.gov.uk) to obtain a Section 177 Licence under the Highways Act 1980 to cover any structure that overhangs the highway.